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Letter dated 6 September 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to enclose the text of the declaration made by the National Assembly of People's Power concerning the five heroes unjustly imprisoned in North American prisons (see annex).

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly under item 148, "Measures to eliminate international terrorism", and as a document of the Secretary-General.

(*Signed*) Orlando **Requejo Gual**
Ambassador
Permanent Representative

05-48056 (E) 070905 070905

Annex to the letter dated 6 September 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Declaration by the National Assembly of People's Power

Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González and René González are victims of a colossal injustice for having faced up to anti-Cuban terrorism in its own den. Seven years after they were arrested they remain locked up in maximum security federal prisons, isolated from one another and subjected to cruel treatment, including various restrictions on family visits. Gerardo has not been allowed any visits from his wife and René has not been allowed to meet with his wife and seven-year-old daughter.

These Cuban are being punished for their heroism, for which they deserve the appreciation and gratitude of mankind. The entire proceedings against them can only be explained by the United States Government's complete lack of principles. There was never any justification for their being arrested and subjected to a travesty of a trial or for their being convicted and sentenced.

On 27 May 2005, the Working Group on Arbitrary Detention of the United Nations Commission on Human Rights determined that our compatriots were being arbitrarily and illegally deprived of their freedom and urged the United States Government to put an end to their detention.

On 9 August, the Court of Appeals of the eleventh Circuit, located in Atlanta, issued its ruling, a 93-page text overturning the convictions and rescinding the judgment handed down against them in Miami. Before coming to this unanimous decision the judges reviewed all the circumstances surrounding the case, including numerous terrorist actions against Cuba, and studied the background, the proceedings of the trial and the jurisprudence. The Five had filed their appeals on 7 April 2003 despite tremendous obstacles, such as the solitary confinement to which they were subjected the previous month which prevented them from having normal communication with their defence attorneys.

There is no reason why they should be kept in prison; that is only for people who have been found guilty and sentenced by a court.

Keeping them in prison is tantamount to kidnapping. The Government of the United States should never have arrested them; it is under a moral, political and legal obligation to release them immediately and unconditionally.

While viciously persecuting five heroes of the fight against terrorism, the United States continues stubbornly to prevent Luis Posada Carriles — a self-confessed and convicted terrorist whose extradition the Bolivarian Republic of Venezuela has requested — from being brought to justice; it has yet to accede to that request and is, on the contrary, impeding it with deceitful, murky and illegal manoeuvres.

More than three months ago, representatives of the United States Government politely collected that criminal and installed him in a comfortable and privileged location in El Paso, Texas. They did so even though the well-known murderer had entered United States territory secretly and illegally, in collusion with the authorities

who permitted him to move around freely in Miami, to visit his friends, give interviews and make statements in which he confirmed having had a long career of crimes and misdeeds.

Posada Carriles is being treated as though he were not even an immigration case; that is not only in marked contrast with the violent treatment accorded to millions of undocumented workers but is an attempt to divert the public's attention in order to evade the inescapable duty to hand him over to Venezuela. He was being tried there for the atrocious terrorist act of destroying a civilian aircraft in flight, and thereby killing the 73 persons who were on board on 6 October 1976, but escaped with Washington's complicity and went on to work directly with the White House in criminal operations against our peoples.

Thanks to the support given him by the United States he was able to continue his terrorist career and went on to plan several attempts on the life of President Fidel Castro and to direct numerous attacks with explosives that caused grave injury to humans including the death of a young Italian tourist in Havana, and material damage. He has enjoyed such impunity that he has boasted of these monstrous acts in statements and interviews published in *The New York Times* and in other printed and televised media in the United States, and even in an autobiography.

In protecting Posada Carriles, the Government of the United States is violating Security Council resolution 1373, which was adopted at the initiative of the United States on 28 September 2001, and all the international Conventions and agreements against terrorism, in particular the Montreal Convention, which came into force in 1973, and the International Convention for the Suppression of Terrorist Bombings.

The international community should condemn the Bush administration for sponsoring international terrorism, as scandalously demonstrated by the kidnapping of our Five Heroes and the protection it continues to give to Mr. Posada Carriles, Orlando Bosch and other known criminals who stroll through the streets of Miami.

It is time to stop Mr. Bush and his irresponsible and immoral policy of massacring the Iraqi people, destroying the lives of thousands of young North Americans, threatening the entire world with a war without end, restricting freedoms in the United States itself and shattering the legal and moral obligations incumbent upon all States while protecting a notorious murderer and keeping five selfless fighters against terrorism locked up.

The National Assembly of People's Power of the Republic of Cuba calls on the Parliaments, political and social organizations, on all men and women who dream of a better world, a world of justice, peace and freedom to demand the immediate and unconditional release of Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González and René González and to call for the extradition to the Bolivarian Republic of Venezuela of Luis Posada Carriles so that he may be tried and punished for his crimes which have so far gone unpunished.